Google Inc v. Central Mfg. Inc. et al

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92045778
Party	Plaintiff CENTRAL MFG. CO. (INC.) CENTRAL MFG. CO. (INC.)
Correspondence Address	LEO STOLLER CENTRAL MFG. CO. TRADEMARK & DEPT. 7115 W. NORTH AVE., #272 OAK PARK, IL 60302 UNITED STATES
Submission	Other Motions/Papers
Filer's Name	Leo Stoller
Filer's e-mail	ldms4@hotmail.com
Signature	/Leo Stoller/
Date	01/19/2007
Attachments	googlejudicialnotice2.pdf (5 pages)(48769 bytes)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

CENTRAL MFG. CO. (Inc) (Delaware Corporation) Opposer,

Vs. GOOGLE, INC., Cancel No. 92045778

Applicant.

JUDICIAL NOTICE

OPPOSER hereby moves under Fed. R. App. 27 and Fed. Cir. R. 27 for judicial notice of the attached document.

The document presented for judicial notice is publicly available and is highly relevant to Respondent responding to Petitioner's motion for summary judgment. Leo Stoller had filed bankruptcy Case No. 05-64075 in the Northern District of Illinois. And there was an automatic stay which had effected this proceeding. In open court on January 4, 2007 Judge Schmetterer gave Google Inc., the go ahead to respond to Stoller's motion for summary judgment. On. Jan. 18, 2007 Judge Schmetterer entered an order lifting the stay. In open court Leo Stoller reminded Judge Schmetterer that he gave Google Inc., the go ahead to respond to Stoller's summary judgment motion. Judge Schmetterer then modified the written motion that Google Inc., prepared adding in Judge Schmetterer's own hand writing that

Google must take the "appropriate actions in connection (with Stoller summary judgment motion) in the Trademark Trial and Appeal Board. See attached true and correct copy of Judge Jack Schmetterer Order dated Jan. 18, 2007.

Federal Rule of Evidence 2O1-b)(2)(d) provides that the Court may take judicial notice of any facts not subject to reasonable dispute that are "capable of accurate and ready determination by resort to resources whose accuracy cannot be reasonably questioned."

Judicial notice may be taken at any stage of the proceeding. Fed. R. Evid. 201(f) and *Group One*, *Ltd. v. Hallmark Gards, Inc.*, 407 F.3d 1297, 1306 (Fed. Cir. 2005).

"The most frequent use of judicial notice of ascertainable facts is in noticing the contents of court records." *GE Capital Corp. v. Lease Resolution Corp.*, 128 F.3d 1074, 1081 (7th Cir. 1997).

RESPECTFULLY SUBMITTED,

/Leo Stoller/
Leo Stoller, President
CENTRAL MFG. CO., Petitioner
7115 W. North Avenue #272
Oak Park, Illinois 60302
(312) 545-4554

Date January 19, 2007

Certificate of On-Line Filing

I hereby certify that on January 19, 2007, this paper is being filed online in this case with the Trademark Trial and Appeal Board.

/Leo Stoller/

Certificate of Service

I hereby certify that on January 19, 2007 a copy of the foregoing was sent by First Class mail with the U.S. Postal Service in an envelope addressed to:

Michael Zeller Quinn Emanuel 865 South Aifueroa Street, 10th Floor Los Angeles Ca 90017

Leo Stoller

Date: January 17, 2007

UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

I.EO STOLLER,

Case No. 05-64075

Debtor.

Hon. Jack B. Schmetterer

Hearing Date: January 18, 2007
Hearing Time: 11:00 a.m.

ORDER GRANTING MOTION FOR ORDER DECLARING PROPOSED SUIT TO BE OUTSIDE SCOPE OF STAY OR, IN THE ALTERNATIVE, MODIFYING STAY (DOCKET NO. 113]

Google Inc. ("Google") having filed its Motion for Order Declaring Proposed Suit to be Outside Scope of Stay or. In the Alternative, Modifying Stay (the "Motion") on August 18, 2006, and hearings having been held on the Motion on August 23, 2006, August 31, 2006, September 14, 2006, October 5, 2006, October 19, 2006, November 9, 2006, December 5, 2006, December 12, 2006, December 19, 2006, and January 4, 2007 and Google having entered into a compromise with the Chapter 7 trusted appointed in this case concerning the relief sought in the Motion as to the estate and entities owned or controlled by the estate, which compromise has been approved by a separate Order of this Court entered on December 5, 2006 (such Order and the Settlement Agreement it approved being the "Settlement Order"), and the Debter having objected to the Motion which objection the Court overruled in open court on January 4, 2007, and the Court having made, on the record at the January 4, 2007 hearing, findings of fact and conclusions of law, and the Court having found that there is cause to grant Google relief from the automatic stay,

IT IS HEREBY ORDERED that Google is granted relief from the automatic stay so that it may take the actions, including filing an action against the Debtor in the United States District

Court, described in the Motion and any ancillary, necessary, or appropriate actions in connection

therewith in the fourt on it the Thalehard This will be the This FURTHER ORDERED that Google shall take no action to collect a monetary judgment against Leo Stotler personally without obtaining prior leave of this Court; provided however that if this case is dismissed or if Leo Stotler has been denied a discharge under 11 U.S.C. §727 then Google shall not have to obtain leave before collecting any judgment it obtains

IT IS FURTHER ORDERED that the relief granted herein pertains only to Leo Stoller personally and nothing herein amends or supersedes the provisions of the Settlement Order.

FOITER

nifed States Benkruptcy Judge

JAN 18 2007

MAR SHATTER PARTY IN THE

against Leo Stoller.